



AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

Abhishek

Case No. 8:24-MJ- 244 (GLF)

Defendant.

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of May 14, 2024, in the county of Clinton in the Northern District of New York, the defendant violated:

*Code Section*

8 U.S.C. § 1324(a)(1)(A)(ii)

*Offense Description*

Transport and move or attempt to transport and move three aliens, knowing and in reckless disregard of the fact that the alien had come to, entered, and remained in the United States in violation of the law, by means of transportation or otherwise, in furtherance of the alien's violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

Alex J. Espinoza, Border Patrol Agent

*Printed name and title*

Attested to be the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: MAY 16, 2024City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge

***United States of America v. Abhishek***

On May 14, 2024, at approximately 9:37 p.m., Swanton Sector Communications (KAD 640) notified Champlain Border Patrol Agents that the Royal Canadian Mounted Police had observed people enter the United States through an undesignated crossing location near Meridian Road in Champlain, New York. A United States Border Patrol Agent responded and located multiple subjects hiding in the brush using his hand-held thermal imaging device. Before the Agent approached the group, he observed a vehicle stage on Willow Street approximately 50 yards from the group. Willow Street is a remote road, near the international boundary with Canada. Because of this road's proximity to the international boundary, it is frequently utilized by smugglers for illicit cross border activities.

After a few minutes, the Agent observed three people load into the vehicle. As the vehicle began to drive off the Agent who observed the whole sequence of events activated his emergency lights and initiated a vehicle stop in order to conduct an immigration inspection of the vehicle's occupants. The Agent noted that all 3 of the passengers were still wearing their backpacks and were covered in burdocks from running through the field.

The Agent approached the vehicle, identified himself as a United States Border Patrol Agent, and proceeded to question the occupants as to their citizenship. The driver (later identified as ABHISHEK) was questioned regarding his citizenship and reason for being in the area. ABHISHEK stated he was picking up his friends.

The Agent questioned the passengers regarding their citizenship, and all three freely admitted to being citizens and nationals of India that had just illegally entered the United States from Canada. ABHISHEK and the three passengers were transported to the station for further investigation.

At the station, the passengers' biographical information and fingerprints were entered into Department of Homeland Security databases. It was revealed that all three passengers are citizens of India and none of them had any previous immigration or criminal history within the United States. Record checks further revealed that none of the three passengers possessed any immigration documentation to be within the United States legally. Record checks revealed that ABHISHEK is currently in Immigration Proceedings as he was issued a Warrant of Arrest/Notice to Appear on February 8, 2019.

At the station, ABHISHEK was issued his *Miranda* warning and agreed to speak with law enforcement. ABHISHEK claimed that a friend of his was going to pay him \$1,000 to pick people up and bring them to New York, New York. He stated that he had previously come to the Plattsburgh area before to attempt to pick people up, but that trip was unsuccessful. ABHISHEK claimed he was simply operating as a cab driver, contradicting his initial claim he was in the area to pick up his friends. He also said that he was a licensed cab driver in New York's five boroughs and the vehicle he was currently driving belonged to a friend of his, different from the friend who was paying him to pick people up. A search of ABHISHEK's vehicle also revealed six sandwiches, 4 fries, additional snacks and drinks; similar provisions are typically found in human smuggling load vehicles.